

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

TANYA RENEE HENDERSON,

Plaintiff,

v.

JASPER CITY POLICE DEPARTMENT,

FNU GRAY, and FNU AVERHART,

Defendants.

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CIVIL ACTION NO. 1:23-CV-136-MJT-CLS

**MEMORANDUM ORDER OVERRULING
PLAINTIFF'S OBJECTIONS AND ADOPTING THE REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE [Dkt. 29]**

Pursuant to 28 U.S.C. § 636 and the Local Rules of Court for the Assignment of Duties to United States Magistrate Judges, the District Court referred this proceeding to the Honorable Christine L. Stetson to conduct all pretrial proceedings, to enter findings of fact and recommend disposition on case-dispositive matters, and to determine non-dispositive matters. *See* 28 U.S.C. § 636(b)(1); E.D. TEX. LOC. R. CV-72. Pending before the Court is the Motion to Set Aside Entry of Default filed by Defendants Gray and Jasper City. [Dkt. 21].

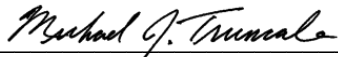
On December 6, 2023, Judge Stetson issued a Report and Recommendation [Dkt. 29] advising the Court to (1) set aside entry of default against Defendant Gray because Plaintiff failed to properly serve him, and (2) set aside entry of default against Defendant Jasper City, as it presents meritorious defenses and Plaintiff will experience little prejudice in reaching the merits of her claims. FED. R. CIV. P. 55(c). On January 10, 2024, Plaintiff filed late objections. [Dkt. 29]. These objections do not address Judge Stetson's legal analysis. Instead, Plaintiff states that (1) she disagrees with setting aside entry of default as unfair, and (2) she never intended to seek

compensatory damages. *Id.* After careful review, the Court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

Accordingly, Plaintiff's objections are **OVERRULED**, and the Report and Recommendation of the United States Magistrate Judge [Dkt. 29] is **ADOPTED**. The Motion to Set Aside Entry of Default [Dkt. 21] filed by Defendants Gray and Jasper City is **GRANTED**. Furthermore, Plaintiff's motion for compensatory damages [Dkt. 22] is **DENIED AS MOOT**.

IT IS SO ORDERED.

SIGNED this 17th day of January, 2024.



Michael J. Truncale
United States District Judge